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August 26, 2019

By Electronic Filing and Facsimile

Hon. Gabriel W. Gorenstein
U.S. District Court for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Ali v. Annucci, et al.*
No. 2016-cv-1994

Dear Chief Magistrate Judge Gorenstein:

Our Office represents the three court-officer defendants –Court Officer Eleazar Ramos, Court Officer Bruce Knowles, and Lieutenant Stewart Still—in the above-referenced matter. In accordance with Section 1.E. of Your Honor's Individual Practices, we submit this letter jointly with plaintiff's counsel, Adrian Ellis, Esq., to request a four-week extension of the remaining deadlines for expert discovery. The parties completed fact discovery on April 24, 2019. Although the parties have previously requested extensions to the discovery schedule, this is the parties' second extension request related to expert discovery. *See* ECF Nos. 99–100.

Since our last extension request, we have made significant progress towards completing expert discovery. Plaintiff's counsel has identified an expert witness, Dr. Lana Kang, and provided our Office with a copy of her expert report. After reviewing the report, our Office determined it would be necessary to call our own expert witness, and has selected and retained Dr. Roy G. Kulick. In June, Dr. Kulick conducted an independent medical examination of Plaintiff and prepared an expert report, which was provided to Plaintiff's counsel. In July, we advised Plaintiff's counsel that we intend to depose Dr. Kang, and requested dates she would be available. Due to scheduling conflicts, however, we have been unable to schedule her deposition before the current August 26 deadline for expert discovery. We had tentatively scheduled Dr. Kang's deposition for September 4, but Plaintiff's counsel advised our Office today that this date will not work. Plaintiff's counsel intends to get a list of other dates in September that Dr. Kang

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would be available, and to provide them to our Office later this week. The parties are confident that we will be able to complete Dr. Kang's deposition within the four-week extension being requested.

We therefore respectfully request that the remaining discovery deadlines in this case be extended four weeks. Under the proposed extension, the deadline for the depositions of expert witnesses, which is currently August 26, 2019; would be extended to September 23, 2019; and the deadline to submit a pre-motion letter to Judge Carter in anticipation of moving for summary judgment, which is currently August 26, 2019, would be extended to September 23, 2019.

Thank you for your time and attention to this matter.

Very truly yours,

/s/

Jonathan D. Conley
Assistant Attorney General

cc (*by ECF*): Adrian Ellis, Esq.